05 98-08 ress Mail Label No.: EV 869875646 US Attorney Docket No.: 20712-501CON Date of Deposit: May 6, 2008 PTO/SB/21 (01-08) Approved for use through 02/29/2008, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number Application Number 10/728,340 Filing Date TRANSMITTAL December 4, 2003 First Named Inventor **FORM** Dale M. Edgar Art Unit 1625 **Examiner Name** Celia C. Chang (to be used for all correspondence after initial filing) Attorney Docket Number 20712-501CON Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final **Provisional Application** Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify Terminal Disclaimer Extension of Time Request below): Request for Certificate of Correction; 2 pages Request for Refund **Express Abandonment Request** Form PTO-1050 (in duplicate); and Return Postcard. CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Certificate Document(s) Reply to Missing Parts/ Incomplete Application MAY 1 2 2008 Reply to Missing Parts under 37 CFR 1.52 or 1.53 of Correction SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name lintz, Levin, Cohn, Ferris, Glov Popeo, P.C. (Customer No. 30623) Signature Printed name ifer L. Loebach Date Rea. No. May 6, 2008 57.977 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO FIGURE TO ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name

Date

TRANSMITTAL FORM  Transmittal FORM  Total Number of Pages in This Submission  Trawing(s)  Fee Attached  Licensing-related Papers  Drawing(s)  Appeal Communication to Tot (Appeal Number of Appeals and Interferences of Appeal Submission to Tot (Appeal Number of Appeals and Interferences Appeal Submission to Total Appeal Appeals and Interferences of Appeal Number of Ap	Under the Paperwork Reduction Act of		Application Number	10/728,340		
FORM    Art Unit   1625   Examiner Name   Celia C. Chang	TRANSMITTAL	_	Filing Date	December	4, 2003	
Examiner Name	FORM		First Named Inventor	Dale M. Edgar		
Cella C. Chang   Cella C. Chang			Art Unit	1625		
Total Number of Pages in This Submission    ENCLOSURES (Check all that apply)  ENCLOSURES (Check all that apply)  Fee Transmittal Form	(to be used for all correspondence after i.	nitial filing)	Examiner Name	Celia C. Ch	nang	
Fee Transmittal Form    Fee Attached	11		Attorney Docket Number	20712-501	CON	
Fee Transmittal Form    Fee Attached		ENC	LOSURES (Check all	that apply	)	
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Fee Attached  Licensing-related Papers  Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  After Final  Petition (Change of Correspondence Address)  Extension of Time Request  Express Abandonment Request  Information Disclosure Statement  CD, Number of CD(s)  Landscape Table on CD  Remarks  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Firm Name  Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. (Customer No. 30623)  Signature  Printed name  Jen jiter L. Loebach  Date  May 6, 2008  Reg. No. 57,977  CERTIFICATE OF TRANSMISSION/MAILING  I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service ws sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	Fee Transmittal Form		Drawing(s)		Anne	al Communication to Roard
Amendment/Reply Petition Convert to a Provisional Application Power of Attorney, Revocation Charge of Correspondence Address Extension of Time Request Express Abandonment Request Information Disclosure Statement CD, Number of CD(s) Remarks    Certified Copy of Priority Document(s) Reply to Missing Parts under 37 CFR 1.52 or 1.53    SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	Fee Attached		Licensing-related Papers			
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Express Mail Label No.: EV 869875646 US

Date of Deposit: May 6, 2008 Attorney Docket No.: 20712-501CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Dale M. Edgar et al.

**EXAMINER:** 

Celia C. Chang

PATENT No.:

0.6 5008

US 7,317,026 B2

APPLICATION NO.:

10/728,340

ISSUE DATE:

January 8, 2008

FILING DATE: December 4, 2003

For:

**CNS TARGET MODULATORS** 

ATTN: Certificate of Correction Branch

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

### REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.322

The undersigned respectfully submits, on behalf of the Applicants, this request for correction. The Applicants wish to request a Certificate of Correction pursuant to 37 C.F.R. §1.322 to correct errors made by the United States Patent and Trademark Office.

The Applicants respectfully request the issuance of a Certificate of Correction in the above-identified Letters Patent to correct the following errors. The requested corrections are changes that would not constitute new matter or require reexamination.

CO<sub>2</sub>H" found at column 152, lines 18-35 In claim 10, the chemical structure: " 1. of the issued patent should be deleted. Applicants' amendment filed on December 6, 2006 RECEIVED-USPTO deleted the structure from claim 16 (now issued claim 10). Patent Publication

In claim 11, column 154, Applicants request corrections to the following misspe 2. words:

line 50, "methylhydroxy" should be changed to --methylhydroxy--;

line 54, "dimethylaniinocarbonylmethyloxy" should be changed to -dimethylaminocarbonylmethyloxy--; and
line 57, and "1-dimethylaniinocarbonyl-1-" should be changed to --1-dimethylaminocarbonyl-1--.
These words were spelled correctly in original claim 17 in Applicants' claim amendments filed

3. Also in column 154, Applicants request that in lines 62-63, "; and  $X_1$  is -Q-" should be deleted and in line 45, "heterocycle;" should be changed to --heterocycle; and--. These amendments are necessary because in issued claim 11, the variable " $X_1$ " in the chemical formula

was replaced with oxygen. As such, claim 11 no longer contains the variable  $X_1$ .

- 4. In column 156, Applicants request that in lines 38-39, "; and  $X_1$  is -O-" should be deleted and in line 20, "ring;" should be changed to --ring; and--. These amendments are necessary because in issued claim 14, the variable " $X_1$ " in the chemical formula was replaced with oxygen. As such, claim 14 no longer contains the variable  $X_1$ .
- 5. Applicants request correction of Scheme 14. Scheme 14 in column 134, lines 15-25 of

the issued patent does not clearly show that the compound:

on May 1, 2007 and July 26, 2007.

undergoes two separate

chemical reactions to produce two separate products. The first chemical reaction is:

$$\begin{array}{c|c} H_2 \\ \hline \\ C-O \\ \hline \\ N \\ H \\ \end{array} \begin{array}{c} COOMe \\ \hline \\ K_2CO_3 \\ \text{(ii) Hydrolysis} \\ \end{array} \begin{array}{c} H_2C \\ \hline \\ O-O \\ \hline \\ O-O \\ \end{array}$$

MAY 1 2 2008

The second chemical reaction is:

. Support for the correction is found on

page 90 of the as-filed application and in Applicants' Amendment After Allowance filed, August 28, 2007 and accepted, December 3, 2007. Accordingly, Applicants request the following

$$H_2C$$
 O OH the

correction: Column 134, lines 15-25, insert after

5. Applicants request correction of Scheme 15. Scheme 15 in column 135, lines 23-32 of

the issued patent does not clearly show that the compound:

undergoes two separate

chemical reactions to produce two separate products. The first chemical reaction is:

$$\begin{array}{c|c} H_2 \\ \hline \\ C-O \\ \hline \\ N \\ H \end{array} \begin{array}{c} (i) O \\ \hline \\ K_2CO_3 \\ (ii) \ Hydrolysis \end{array} \begin{array}{c} COOMe \\ \hline \\ H_2C \\ \hline \\ O \\ O \end{array} \begin{array}{c} O \\ O \\ O \\ O \end{array}$$

RECEIVED-USPTO Patent Publication

The second chemical reaction is:

$$\begin{array}{c|c} H_2 \\ \hline \\ C \\ O \\ \hline \\ N \\ \end{array} \begin{array}{c} \text{(i)} & \bigcirc \\ \text{COOMe} \\ \hline \\ \text{K}_2\text{CO}_3 \\ \text{(ii) Hydrolysis} \\ \end{array} \begin{array}{c} \text{O} \\ \text{H}_2 \\ \hline \\ \text{HO} \\ \end{array}$$

. Support for the correction is found

on page 91 of the as-filed application and in Applicants' Amendment After Allowance filed, August 28, 2007 and accepted, December 3, 2007. Accordingly, Applicants request the

following correction: Column 135, lines 23-32, insert after

following:

#### **REMARKS**

The Applicants believe the requirements for a certificate of correction have been met herein and respectfully request issuance of same. Should the Certificates Branch wish to discuss Applicants' request, the Certificates Branch is invited to telephone the undersigned attorney at 617/542-6000.

No fees are believed due in connection with this submission, however, the Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311; Reference No. 20712-501CON. A duplicate copy of this request is enclosed for this purpose.

Respectfully submitted

Ivor R. Elrifi, Reg. No. 39,529

Attorney for Applicant c/o MINTZ LEVIN

Tel: (617) 542-6000 Fax: (617) 542-2241 Customer No. 30623

Dated: May 6, 2008

4316861v.1

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Patent Publication

MAY 1 2 2008

Express Mail Label No.: EV 869875646 US

EDate of Deposit: May 6, 2008 Attorney Docket No.: 20712-501CON

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Dale M. Edgar et al.

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RECEIVED-USPTO In claim 11, column 154, Applicants request corrections to the following misspelled Patent Publication

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line 57, and "1-dimethylaniinocarbonyl-1-" should be changed to --1-dimethylaminocarbonyl-1--.
These words were spelled correctly in original claim 17 in Applicants' claim amendments filed

- 3. Also in column 154, Applicants request that in lines 62-63, "; and  $X_1$  is -Q-" should be deleted and in line 45, "heterocycle;" should be changed to --heterocycle; and--. These amendments are necessary because in issued claim 11, the variable " $X_1$ " in the chemical formula was replaced with oxygen. As such, claim 11 no longer contains the variable  $X_1$ .
- 4. In column 156, Applicants request that in lines 38-39, "; and  $X_1$  is -O-" should be deleted and in line 20, "ring;" should be changed to --ring; and--. These amendments are necessary because in issued claim 14, the variable " $X_1$ " in the chemical formula was replaced with oxygen. As such, claim 14 no longer contains the variable  $X_1$ .
- 5. Applicants request correction of Scheme 14. Scheme 14 in column 134, lines 15-25 of

the issued patent does not clearly show that the compound:

on May 1, 2007 and July 26, 2007.

undergoes two separate

chemical reactions to produce two separate products. The first chemical reaction is:

$$\begin{array}{c|c} H_2 \\ \hline \\ C^{-O} \\ \hline \\ N \\ H \\ \end{array} \begin{array}{c} COOMe \\ \hline \\ K_2CO_3 \\ (ii) \ Hydrolysis \\ \end{array} \begin{array}{c} H_2C \\ \hline \\ N \\ \end{array} \begin{array}{c} O \\ \hline \\ N \\ \end{array} \begin{array}{c} O \\ \hline \\ O \\ \end{array}$$

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MAY 1 2 2008

The second chemical reaction is:

Support for the correction is found on

page 90 of the as-filed application and in Applicants' Amendment After Allowance filed, August 28, 2007 and accepted, December 3, 2007. Accordingly, Applicants request the following

correction: Column 134, lines 15-25, insert after

5. Applicants request correction of Scheme 15. Scheme 15 in column 135, lines 23-32 of

the issued patent does not clearly show that the compound:

undergoes two separate

chemical reactions to produce two separate products. The first chemical reaction is:

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The second chemical reaction is:

. Support for the correction is found

on page 91 of the as-filed application and in Applicants' Amendment After Allowance filed, August 28, 2007 and accepted, December 3, 2007. Accordingly, Applicants request the

following correction: Column 135, lines 23-32, insert after following:

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#### **REMARKS**

The Applicants believe the requirements for a certificate of correction have been met herein and respectfully request issuance of same. Should the Certificates Branch wish to discuss Applicants' request, the Certificates Branch is invited to telephone the undersigned attorney at 617/542-6000.

No fees are believed due in connection with this submission, however, the Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311; Reference No. 20712-501CON. A duplicate copy of this request is enclosed for this purpose.

Respectfully submitted

vor R. Elrifi, Reg. No. 39,529

Attorney for Applicant c/o MINTZ LEVIN

Tel: (617) 542-6000 Fax: (617) 542-2241 Customer No. 30623

Dated: May 6, 2008

4316861v.1

Attorney Docket No.: 20712-501CON

Approved for use through 08/31/2010. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## UNITED STATES PATENT AND TRADEMARK OFFICE CFRTIFICATE OF CORRECTION

PATENT NO.

7,317,026

APPLICATION NO.: 10/728,340

ISSUE DATE

January 8, 2008

INVENTOR(S)

Dale M. Edgar et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 152, lines 18-35, delete the chemical structure: "

Column 154, line 45, "heterocycle;" should be changed to --heterocycle; and--; line 50, "methylhydroxy" should be changed to --methylhydroxy--; line 54, "dimethylaniinocarbonylmethyloxy" should be changed to --dimethylaminocarbonylmethyloxy--; line 57, "1-dimethylaniinocarbonyl-1-" should be changed to --1-dimethylaminocarbonyl-1---; lines 62-63, "; and X1 is -Q-" should be deleted.

Column 156, line 20, "ring;" should be changed to --ring; and--; lines 38-39, "; and X<sub>1</sub> is -O-" should be deleted.

Column 134, lines 15-25, insert after

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Ivor R. Elrifi, Ph.D., Esq.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

One Financial Center, Boston, MA 02111

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 2

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: 7,317,026

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$$H_2C$$
 OH  $H_2C$   $H_2C$   $H_3C$   $H_3C$ 

Column 135, lines 23-32, insert after

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Express Mail Label No.: EV 869875646 US Date of Deposit: May 6, 2008

Attorney Docket No.: 20712-501CON

Approved for use through 08/31/2010. OMB 0651-0033

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## UNITED STATES PATENT AND TRADEMARK OFFICE CFRTIFICATE OF CORRECTION

Page 1\_of\_2

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